

1 Introduced by the Transportation, Energy and Utilities Committee
2 pursuant to Section 92.09, *Ordinance Code*:

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4
5 **ORDINANCE 2024-246-E**

6 AN ORDINANCE ESTABLISHING THE KINGS CREEK I
7 COMMUNITY DEVELOPMENT DISTRICT ("KINGS CREEK I
8 CDD"), PURSUANT TO SECTION 190.005, *FLORIDA*
9 *STATUTES*, AND CHAPTER 92, *ORDINANCE CODE*,
10 INCLUDING THE GRANT OF SPECIAL POWERS; NAMING
11 THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES
12 OF THE DISTRICT; NAMING THE INITIAL DISTRICT
13 BOARD OF SUPERVISORS; AMENDING SECTION 92.22
14 (EXISTING COMMUNITY DEVELOPMENT DISTRICTS),
15 CHAPTER 92 (UNIFORM COMMUNITY DEVELOPMENT
16 DISTRICTS), *ORDINANCE CODE*, TO INCLUDE THE KINGS
17 CREEK I CDD; PROVIDING FOR CONFLICT AND
18 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS**, EPG JAX, LLC, a Florida limited liability
21 corporation, petitioned the City Council to establish a community
22 development district ("CDD") named the Kings Creek I Community
23 Development District on approximately 1198.18 acres lying wholly
24 within the boundaries of the City pursuant to F.S. Chapter 190.005(2)
25 and Chapter 92, *Ordinance Code*, a copy of the Petition to Establish
26 the Kings Creek I Community Development District ("Petition") is **On**
27 **File** with the Legislative Services Division; and

28 **WHEREAS**, if established as proposed in the Petition, the Kings
29 Creek I Community Development District would thereafter exist and
30 operate as an independent special district as set forth in F.S. Ch.
31 190; and

1 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
2 Office of General Counsel ("Counsel") has reviewed the Petition, and
3 finding that it was sufficient and complete to permit the fair and
4 informed consideration of the matter by the Council, has prepared and
5 submitted its Final Report of Counsel, dated March 20, 2024, attached
6 hereto as **Exhibit 1**; and

7 **WHEREAS**, the Planning and Development Department has provided
8 its report and recommendation regarding the Petition to the
9 Transportation, Energy and Utilities Committee; and

10 **WHEREAS**, Petitioner acknowledges that nothing about the
11 adoption of this Ordinance shall in any way waive any of the City's,
12 or any other governing or regulatory entities', rights to grant or
13 not grant entitlements for the development to be serviced by the
14 Kings Creek I CDD (the "Development"), or otherwise prejudice the
15 City's, or any other governing or regulatory entities', ability to
16 govern or regulate the planning or permitting of the Development; and

17 **WHEREAS**, Counsel has determined the Petition adequately meets
18 the requirements of Section 190.005, *Florida Statutes*, and Section
19 92.04, *Ordinance Code*, and is therefore complete and sufficient to
20 permit fair and informed review thereof; and

21 **WHEREAS**, all notice requirements of Chapter 190, *Florida*
22 *Statutes*, Section 92.11, *Ordinance Code*, and other applicable laws
23 were complied with, complete notice was timely given, and a public
24 hearing held on the date and time noticed and conducted thereafter
25 in compliance with Chapter 190, *Florida Statutes*, and all applicable
26 laws; and

27 **WHEREAS**, in making its fair and informed determination whether
28 to grant or deny the Petition, the Council has considered the Petition
29 in light of the record developed at the public hearing and in relation
30 to the six factors set forth in Section 190.005(1)(e), *Florida*
31 *Statutes*; now therefore

1 **BE IT ORDAINED** by the Council of the City of Jacksonville:

2 **Section 1. Name.** A community development district is
3 hereby established within the City to be known hereafter as the Kings
4 Creek I Community Development District.

5 **Section 2. Boundaries.** The boundaries of the Kings Creek
6 I Community Development District established by this ordinance are
7 as set forth in the legal description contained in the Petition which
8 is **On File** with the Legislative Services Division. The legal
9 description, dated December 8, 2023, and boundary sketch, dated
10 January 2024, as described within the Petition is attached hereto as
11 **Exhibit 2.**

12 **Section 3. Board of Supervisors.** The following five
13 persons, as set forth in the Petition, are designated to be the
14 initial members of the governing Board of Supervisors ("Board") of
15 the Kings Creek I Community Development District:

- 16 a. Nicholas Dister
- 17 b. Carlos de la Ossa
- 18 c. Keith Hyatt
- 19 d. Bob Koncar
- 20 e. Dan Pickett

21 **Section 4. Grant of Special Powers.** Consent is hereby
22 granted to the Kings Creek I Community Development District, pursuant
23 to Section 190.012(2)(a), *Florida Statutes*, to exercise the power to
24 finance, fund, plan, establish, acquire, construct, enlarge or
25 extend, equip, operate, and maintain systems and facilities for parks
26 and facilities for indoor and outdoor recreational, cultural and
27 educational uses, all to be exercised only in compliance and
28 consistent with all applicable laws including the City's 2045
29 *Comprehensive Plan* and City's land development regulations.

30 **Section 5.** Chapter 92 (Uniform Community Development
31 Districts), Section 92.22 (Existing Community Development Districts),

1 Ordinance Code, is amended to read as follows:

2 **CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS.**

3 * * *

4 **Sec. 92.22. Existing Community Development Districts**

5 The following CDDs have been established in the City:

6 * * *

7 (13) ~~Reserved.~~ Kings Creek I Community Development District. The
8 Kings Creek I Community Development District was established in
9 Ordinance 2024-246-E and was granted consent to exercise special
10 powers to finance, fund, plan, establish, acquire, construct, enlarge
11 or extend, equip, operate, and maintain systems and facilities for
12 parks and facilities for indoor and outdoor recreational, cultural
13 and educational uses and security.

14 * * *

15 **Section 6. Powers and Authority.** The powers and functions of
16 the District are described in Chapter 190, *Florida Statutes*. The
17 District shall have all powers and functions pursuant to, among other
18 provisions, Section 190.011 and Sections 190.012(1), (3) and (4),
19 *Florida Statutes*, as amended from time to time. In addition, consent
20 is hereby given to the District's Board of Supervisors to exercise
21 the powers set forth in Sections 190.012(2)(a) and (d), *Florida*
22 *Statutes*.

23 **Section 7. Conflict and Severability.** Any portion of this
24 ordinance determined finally by a court of competent jurisdiction to
25 be in conflict with prevailing law shall not be effective to the
26 extent of such conflict and shall be deemed severable and the
27 remainder shall continue in full force and effect to the extent
28 legally possible.

29 **Section 8. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Jason R. Teal

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